

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 195 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE A.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? Yes
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?
2 to 5 No

DHARMESH GAUTAMBHAI SUTARIA

Versus

STATE OF GUJARAT

Appearance:

MR SAURIN A SHAH for Petitioner
MRS. BR GAJJAR, APP for Respondent No. 1
Respondent No. 2 served

CORAM : MR.JUSTICE A.K.TRIVEDI

Date of decision: 18/03/98

ORAL JUDGEMENT

Rule. Learned APP Mrs. B.R. Gajjar waives service of rule on behalf of Respondent No.1. Respondent No.2 is served but absent.

2. The petitioner has prayed for a direction to learned JMFC, Sanand to hand over the custody of the Passport bearing No. A2092166 issued by Ahmedabad Regional Passport Office as the petitioner desires to go

abroad on a business trip.

3. It may be noted that in the proceedings of Criminal Misc. Application No. 6300 of 1997, this Court directed the petitioner to deposit the above stated passport of the petitioner in the pending proceedings in the Court of JMFC at Sanand.

4. The petitioner has contended that the proceedings are still pending at initial stage and likely to protract and on account of his business exigencies, petitioner has to visit abroad, hence it is necessary for him to get the passport. The petitioner is ready and willing to abide by the condition imposed by this Court for return of temporary custody of his passport.

5. Learned APP appearing on behalf of the State has left the matter to the discretion of the court. Respondent No.2 has not appeared and, therefore, there is no objection on behalf of Respondent No.2

6. In consideration of overall facts and circumstances apparent from the record, it would not be unjust or improper if the petitioner is handed over the temporary custody of his passport with appropriate conditions. Hence, the following directions are given:

"The Passport of the petitioner bearing No. A2092166 issued by Ahmedabad Regional Passport Office and at present lying in the Court of JMFC, Sanand, District Ahmedabad in the proceedings of Criminal Case No. 55 of 1997 be handed over to the petitioner on following conditions:

- (a) petitioner shall execute a security bond of Rs. 50,000/- (Rupees fifty thousand only) to the satisfaction of the trial court;
- (b) petitioner shall submit his tour programme and keep informed the In-charge of the Sanand Police Station in respect to his whereabouts during the tour on every interval of one month; and
- (c) petitioner shall, on completion of his tour, deposit the Passport bearing No. 2092166 issued by Ahmedabad Regional Passport Office, in the court of learned JMFC, Sanand, District Ahmedabad within ten days from entering the territory of India.

7. Rule is made absolute accordingly. No order as
to costs.

p.n.nair